## COLUMBIA, S. C. Tuestay torning, February 25, 1878.

Death of Hamilton Co Witherspeon, Esq. sudden death of Hamilton G. Witherspoon, Esq., of Salem, Sumter County. This sad event occurred on Saturday morning last, from apoplexy, at his residence, "Coldstream," on Black River, a the University. He was a voluminous few miles South of Mayesville, and near the venerable Salem Church.

Mr. Witherspoon was the youngest son of Hon, Robert Witherspoon, who was chosen by his constituents and served one, or more terms as a member of the House of Representatives of the United States Congress. He subse-State, and resided in Columbia. He died here while filling this position, and corner of Barnwell and Richland streets, where his monument may be seen. He man, the worthy and esteemed associate bonorable pame, the spirit of industry, ful academic training, he completed his letters. education at South Carolina College, from which he garried away a habit of inquiry, a fondness for reading and a taste for books, with which to adorn and elevate the active duties of a planter's

Mr. Witherspoon was a gentleman of unblemished worth, of cultivated intel-ligence, and of genial and social man-lumbia. Mr. Ramsay begged me to ners. His house was the centre of a large and generous hospitality, and a home of the purest domestic happiness. Accomplished and successful as a planter, public spirited as a citizen, a good neighbor, a warm friend, and a zealous supporter of the church, his death will be felt beyond the bounds of family and kindred. Occurring at a comparatively early age, it may be regarded as a public loss, although his modest and retiring habits and warm attachment to home kept him secluded from public view. He leaves a large family-a widow, four daughters and a son-whose grief must be poignant indeed at this afflicting ism. Dr. Ramsay was born in Pennsylvisitation, but not as of those without vania, removed to Charleston before the hope. It will be relieved by true Christian resignation, and by the assured and heartfelt sympathy of relatives and friends all over the State.

## Important Bills.

The Legislature will adjourn to-morrow. There are two measures which, we trust, will be carefully looked after exempt capital employed in manufactures for ten years. This, we understand, has been reported upon favorably by the committee of free conference. But for some reason it was laid on the table, yesterday, in the Senate. We trust that it will be taken up promptly this morning, and effectually put through. We should be left in a bad state, if this bill should be estate. lost by any accident or neglect. It is not far to Georgia, whose liberal en- Mr. Ramsay tells me it was painted by actments in favor of manufactures would Peale, at Philadelphia, when his father

the Clerks of the Court in the several Counties to grant charters to companies, under certain conditions, ought to pass. Many companies would be formed at once, and would like to go to work at once, if the exemption bill is passed. It will greatly facilitate them to procure charters without delay or expense, and greatly promote enterprise and infuse confidence to find no impediment in the way of work and business. The bill is necessary as a pendant of the other, and both are valuable and important. They should be passed by all means.

The Havana Tribune says: "Cursed be those who look back, eveking a single remembrance of past times." It asks the insurgents to lay down their arms, to stop dreaming of absurd independence, and to forget animosities. "We offer you as an olive branch the white flag. You are our brothers. Come and share the glory which awaits us, shaking from the world the tutelage of tyrants. Do not fail to respond to your brothers' call. If you remain true to bastard jours, very respectfully, ideas, do not believe that a single C. BRUCE WALKER, ideas, do not believe that a single Spaniard will be with you. Nothing justifies your actions, and if you desire war, every Republican will be a soldier, and every Spaniard a Republican. Spaniards do not rest on their laurels. The republic signifies order and labor."

of the middle and poorer classes of Spaniards, who are unanimous in favor of the republic.

The Augusta cotton factory came near being consumed by fire on Saturday last. at Hayti.

Portrait of Dr. David Ramsay. The correspondence which we insert below, between Professor-LaBorde and Rev. C. Bruce Walker, Librarian of the University, relative to a portrait, by We have been grieved to learn of the Peale, of the illustrious Dr. David Ramsay, will be read with interest by all scholars. They will recognize the fit-south, and Zubly street on the North, ness, the beautiful propriety of placing with Laurel street on its West, and West Dr. Ramsay's portrait in the Library of author, a very sotive literary man, and a patriot sans peur et sans reproche. He married the daughter of Henry Laurens, the first President of Congress, who was subsequently taken prisener and confined, on a charge of high treason, in the Tower of London. She was a model daughter and a model wife; and quently filled the office of Secretary of the memoirs of her life, with extracts from her diary, letters, and other private papers and lefters to her from her father. was buried in the Taylor burying ground, edited by Dr. Ramsay, and published in London, 1815, are extremely instructive and entertaining, and reveal in the was a distinguished and a most excellent subject a character that it is delightful next to this, R. Graham & Co. a stables to contemplate. We should be glad if next to this wooden building, the Starof Paul Hamilton and Mr. Gaillard, her portrait, too, could be added to this with whom he served in Congress, and of her distinguished consort. We thank after whom he called his son, the subject our friend, Mr. Nathaniel Ramsay, the of this notice. From this worthy sire, only surviving son of the historian, for he inherited, with a handsome estate, an the good judgment he has shown in giving up to the keeping of the Uniuncommon diligence, high intelligence versity the portrait of one who so highly and the strictest integrity. After care- dignified and adorned the pursuit of

UNIVERSITY OF S. C., Feb. 21, 1873 Rev. C. Bruce Walker-MY DEAR SIR: When Charleston was under siege, during the late war, and her citizens sending their valuables to the middle and up-country, for safe-keeping, an original portrait of our great historian, Dr. David Ramsay, was sent to his son, Nathaniel Ramsay, Esq., a gentleman so long and adorned my house. I have asked his permission to place it in the Library of the University: and after consultation with an only surviving sister, Miss Kitty Ramsay, he has kindly consented, with the condition, that "if they wish to reclaim it-which they never expect to do -it shall be given back."

Be assured that I take special pleasure in presenting to the Library, in behalf of the son and daughter, a portrait of this great and good man. I presume that it will not be out of place to avail myself of the occasion to say a few words of him. We may profit by calling to remembrance the men of former days, who presented in their lives illustrious examples of virtue, intelligence and patriot-Revolutionary War, and labored zeal-ously with the patriots for the independence of his country.

Distinguished in the councils of South Carolina, he was also a member of the Continental Congress, and afterwards represented Charleston District in the Congress of the United States, of which body he was for some time President. He was, too, devoted to literary pursuits, we trust, will be carefully looked after and was particularly distinguished in to-day. It is extremely important that the department of history. He pubthey be passed. One is the bill to lished a "History of the Revolution in exempt capital employed in manufactures South Carolina," a "History of the South Carolina," a "History of the American Revolution," a "Sketch of the Soil, Climate, Weather and Diseases of South Carolina," a "Life of Washington," and other works, and left many historical manuscripts. He was a labo-

An original portrait of such a man must have more than ordinary value. not fail to attract capital, if we neglect was a member of Congress. Peale was our earliest portrait painter, being for fifteen years the only one in North Ame-Again: Mr. Cochran's bill empowering rica. He had the advantage of instruction from Copley, West and others, and reached high position in his art. He painted many of our distinguished revo-lutionary officers, who were afterwards killed, and we are indebted to him alone for a likeness of them.

Pardon me for adding that in the exigency of the removal of the portrait from the city, it was despatched without a frame, and for suggesting that you get leave of the Library Committee to pro-

de one.
With high regard, I am,
M. LABORDE.

FEBRUARY 22, 1873. Prof. M. LaBorde, M. D., University of

South Carolina. DEAR SIE: In reply to your note of the 21st instant, allow me to tender the thanks of the Library Committee to Mr. and Miss Ramsay for the portrait of their distinguished father. Will you be so kind as to convey to them this assurance of the high appreciation of their donation to the Library?

Your suggestion will be laid before the Library Committee.

Thanking you for your agency, I am

Librarian University South Carolina.

HAYTI AND ST. DOMINGO. -The cession of Samana has caused the issuance of a (St. Peter's) in both branches of the proclamation by the Dominican revolu-The republic signifies order and labor."

The article of the Tribune has caused a marked sensation. The other journals continue to abstain from referring to events in Spain, much against the will be reidled by Cabra-From Hayti to join the continue to a state of the results of latter in a proposed movement against Baez. Signs of disturbance are reported in the interior of St. Doming, and void in society not easily filled. Few it is said that Baez has sent troops to leave this world better prepared for the Puerto Plata. A revolution is expected at Hayti.

A revolution is expected friends who weep and sorrow with them." in England.

TERRIBLE FIRE-FIREMAN KILLED-ANOTHER FATALLY WOUNDED .- A large fire occurred in Savannah, Ga., on Friday last. We get the following particulars from the Republican:

The conflagration was almost entirely confined to the buildings occupying the block between Harrison street on the Broad as its Eastern boundary buildings nearly all fronting on the latter wide thoroughfare. Harrison, Laurel and Zubly are quite narrow streets, and it was only by almost superhuman exer-tion that the flames were prevented from rushing in headlong devastation across them, and sweeping sway block after block of this compactly built part of the oity, filled up as it is with inflammable wooden tenements.

Along the front of the block, and acing West Broad street, were situated, facing first, Stevenson's Kentucky Stables, built of brick, on the corner of Harrison and West Broad streets, on the Southern corner of the block, and occupying its Southern section entirely back to Lagrel street; next door toward the North, Wholtman's saloon, with brick front; light Saloon of Seighold Brothers; next to this frame house, the blacksmith shop of Mr. William Wallace, and next to his shop was Mr. Wallace's dwelling; while the next house, a two-story double wooden tenement, occupies the North-east corner of the block-the corner of Zubly and West Broad etreets-and is the only one of the buildings we have mentioned as forming the West Broad front of the

block that is left standing.

The fire is generally believed, as we could understand, to have originated in the second story of the Starlight Saloon, between Graham & Co.'s stables and Wallace's blacksmith shop, and to have resulted from the explosion of a kerosene lamp kept burning by a Swede. So swift was the rush of the fire, in the high winds blowing, that it wrapped Mr. Wallace's dwelling in flames while yet its occupants slumbered—the barking of an affrighted watch-dog chained in the back yard, and closely environed by the fire, arousing the inmates just in time for them to escape with their lives. A mattress was the only thing saved from the house. Immediately in its rear was the stables in which Mr. Wallace's horse was burnt up, while two other tenements back, occupied by two of his workmen and their families, Tom Crittenden and Alfred Butler, both colored, communicated the flames Westward across the block and Laurel street to the two houses of Mr. Geo. Wilbrooks, on the West side of Laurel street, occupied by Mr. Alex. Lanier and Mr. Burke-the latter of whom lost all, while the former saved all his furniture. These two houses being the only ones off of the block which

Aside from the pecuniary losses and destruction of property, which will reach perhaps between thirty and forty thousand dollars, it is more painful and sad-der yet to chronicle the loss of one certainly, and may be two brave lives by this conflagration. While Second Foreman Puder and Mr. A. W. Kent-known as Peter Kent-were in the discharge of their duty, a severe gale of wind sud denly came up, and striking an unsupported two-story brick wall, precipitated it forward upon the two gallapt firemen. Mr. Puder was terribly crushed, and died from his injuries in about ten minutes, ere he reached his home, to which he was immediately borne. was a young man, about twenty-two years old, and a native of Savannah, employed as a machinist by Monahan, Parry & Oo. Peter Kent had both legs broken, and was badly injured about the head and body.

Two Squaws Selected to Open Ne-GOTIATIONS WITH CAPTAIN JACK.—Mr. A. B. Meacham has arrived at the scene of Indian war, and the Commissioners and General Canby were out in private session in the afternoon for about two hours. They have sent for two Modoc -Mrs. Whittle and Mo peace, as the Commissioners will not hall. pardon the murderers, and the latter, feated in Catalonia, be knowing their prospective fate, will not creasing in numbers. give themselves up, and being the stronger party, will not allow any other peace Indians to leave the camp. The negotiations will, probably, last over

HORRIBLE FATE OF AN OLD NEGRO. — In yesterday's Republican, mention was made of a fire that occurred over the river, on Hatchinson's Island, on the evening of Thursday. We ascertained yesterday afternoon that the body of a dead man had been discovered among the debris of the consumed shanty—the corpse having been rooted out of the rains by the swine on the island, and having lost, from the fire or the voracity of these animals, its head, arms and some other portions. The deceased was a very old negro man, named Ephraim.

[Savannah Republican. DEATH OF AN OLD CITIZEN.-Major William George Roberds died at his resi dence, at Matthews' Bluff, on the 3d in-stant, in the eighty-third year of his age. He was a representative Caroli-nian of the old type, and was a trusted and respected man in all the relations of life. 'At times, he represented his parish State Legislature. He lived and died a conscientious, Christian gentleman.

Beaufort Republican. DEATH OF COL. WM. BINGHAM. -Col. Bingham died in Savanuah on the 20th instant. Says the Raleigh Sentinel: "The loss of such a man in the prime of

RECOLLECTIONS OF MAJOR NOAH.—The Baltimore Gazette says: The death at Ban Francisco of Manuel Mordecai Noah, the journalist, will revive some recollection of his father, Major Manuel Mordecal Noah, quite an original and amusing character, a journalist of some celebrity, and the author of a number of works of ephemeral interest, and of that admirable repartee which still leads a precarious existence in newspaper odds and ends and between the covers of jest books. Major Noah was of the Hebrew About 1815, he was elected She-New York city. In the canvas, staunted with his belief. "Pity," said is opponents, "that Christians are to be hereafter hung by a Jew." "Pretty Christians," retorted the Major, "to require hanging at all." He died about 1850. He was the first to lighten the newspapers of the day with pleasantry and humorous hits at follies. He was connected at times with nearly every newspaper in New York, and no man was better known there by all classes. He had a fund of information about the city, its social life, its representative men, and its political leaders and schemes. He was also an excellent dramatic critic. He was, withal, a man universally respected and mourned by many friends. He at one time attempted to found a city of refuge for the Jews on the Niagara River. It failed, however, and no trace of the city was left but a monument with the following ourious inscription: "Ararat, a city of refuge for the Jews. Founded by Mordecai M. Noah, in the month of Tisri, 5586."

The Salt Lake City News of the 20th, talks of the pitiable spectacle of the press and Congress being led by the nose y a political and fanatical person like Newman, and by the ears by a firebrand and political adventurer like Claggett. It says the present hue and cry after the Mormons is a disgrace to the countryan undignified concession to the villain-

ous schemes of corrupt men. A leading Mormon elder, and consellor of Brigham Young, said yesterday that he cared very little who is appointed Governor, as such official could do but little good or little harm. He would like to see General Sheridan and 10,000 troops in Utah, as they would put money in the pockets of the Mormons; but objected to judges, who might betray their office, and to special legislation depriving the Mormons of their rights.

MYSTERIOUS CASE-A RUMORED MUR DER.-Yesterday morning, a colored man by the name of Henderson was arrested and lodged in jail in this place. charged with being the murderer of one Whitley, also colored, of Long Creek Township. It appears that on yesterday week, Whitley came to Charlotte and bought some goods, after which he started for his home, sober. Since that evening, he has not been seen by his people. Suspicion pointed to Henderson, and he was arrested and committed to jail, as above stated, to await developments. The body of Whit-ley has not been found up to this writng .- Charlotte Observer.

Miss Kellogg in Boston .- 'The musical critic of the Atlantic Monthly, one of the highest authorities, says of Miss Kel-

ogg:
Miss Kellogg comes back to us as complets an artist as ever, the pure, penstrating quality of her voice seeming even more beautiful, if possible, than in past seasons. As a singer, as far as purity of style and method, and fine, sympathetic, musical expression go to make one, we should rank her even above Madame Luces or Miss Nilsson. Hersing ing is in fact almost absolutely faultless. She is, moreover, an intelligent, conscientious and pains-taking actress, and a little more of fire, passion and intrinsic dramatic force would place her in the very highest rank upon the lyric stage.

The Spanish Radicals and Republicans are having a fair division of official appointments under the new regime. At Saragossa there have been grand Republican rejoicings. Barcelona retains a sulky attitude; the people there show with a view to sending them into little enthusiasm towards the republic, Captain Jack's camp to arrange an inter-view. There are very little hopes of removed from the front of the town The Carlists have been totally de- rally. feated in Catalonia, but are reported in-

> The famous Jumel estate case has come to an end at last. The plaintiff, George Washington Bowen, claimed the estate on the ground that he was an illegitimate son of Madame Jumel, de-Jumel had only a life interest in the estate; and the jury decided that this view was correct, and that, furthermore, Bowen had not established his claim to being the offspring of Madame Jumel.

THE PORT ROYAL RAILBOAD,-This road, we learn, is almost completed. Yesterday morning, there was only about three miles of the track to be laid, which will complete the road. The contract for laying the track, as we understand, will expire by limitation on Friday next, therefore it is expected that the road will be completed in about a week, and trains will run through from Augusta to Port Royal. - Augusta Constitutionalist.

On Tuesday last, Dr. Freer, professor of physiology in the Rush Medical Col-lege at Chicago, entertained the graduating class with an experiment in the "transfusion of blood." The subject met with entire success

Booth, the well known actor, had a broken nose. A lady once remarked to him, "I like your acting, Mr. Booth;

At the recent coal mine explosion in Staffordsbire, twenty miners were killed, and not forty, as first reported.

The down freight train on the Charlotte, Columbia and Augusta Railroad, when about one mile South of Woodward station, met with an accident in conseday morning. No one was hurt.

opies of the PHENIX is fire cents.

Local

appointments: E. M. Pitray, Notary Public, Charleston; Chas. E. Crowell, drugs, chemicals, brushes, patent medi-Commissioner of Deeds, New York city; cines, surgical instruments, and fancy J. M. Hope, Notary Public, York Coun- and other articles. These goods were ty; Frank Howard, Notary Public, selected under the critical and experi-Charleston.

York County, at February term, 1873, tion and ripe experience. His obliging and sentenced to be imprisoned in the disposition, united to the completeness Penitentiary two years, has been par- of his information and his long familidoned by the Governor, on the recommendation of the Solicitor and prose- that it will be conducted in the most cuting witness.

To-morrow is the day fixed for the adjournment of the Legislature.

Attention is directed to the advertise ment of guanos.

It has been officially decided by the Post Office Department that C. M. including chemistry, and whose profi-Wilder, the Postmaster in this city, can- ciency in pharmacy was rewarded by the not, during his incumbency of that office, diploma of the University Board of Exhold his seat as an Alderman of this city, aminers, conferred upon examination in under the executive order forbidding July, 1872. He is competent and dilithe joint holding of State and Federal gent, well informed, and not without ex-March next.

ers' and Mechanics' Building and Loan liberal share of public favor. Association, of Richland," are invited to meet for organization on Thursday evening, next. See notice.

The Congarce was very high Sunday, but is now subsiding.

The Evening Herald has been an-

rules for the Lenten season, the types made us say "milk and eggs are prohibited" at refreshment. It should particular company report progress at a have read "milk and eggs are allowed."

A considerable movement in valuable real estate has taken place during the there have been many surprises of this last few days. The elegant residence and large body of lands, known as the "Walker Place," in the upper part of life insurance administration. But this the city, has been sold for \$14,000 cash, to Mr. H. B. Rociter, a Northern gentleman. This place has been bought as a that, for at least three years, the busiwinter retreat, and as hundreds of ness world has not been generally pros-Northern people are locating elegant perous. winter homes all through the South, we will say, in behalf of Columbia, that mark. Last year its assets were inthe cold North wind and snow than Co-lumbia: Desides, we are in double daily nearly \$20,000,000, after only thirteen lumbia; besides, we are in double daily communication with the whole North. with the best telegraph and market increase we may soon expect to see them facilities South, and we earnestly invite reach \$50,000,000. Nor has this wondera consideration for Columbia.

The Bearden and Martindale plats, adoining the above, have been bought by the Auxiliary Joint Stock Company for \$10,000 cash, on which to locate some Society attests the industry and ability elegant buildings and appurtenances for those who exercise the executive control in that department. But as the business of life insurance is one that step for Columbia, and one that we pre- deals as directly with money as with dict will build up the city and its trade lives, it is neces largely. The gentlemen concerned de-serve the thanks of the citizens gare.

which are of the first importance, and which will eventually prove most profit-

be said of a canal boat.

cine, and adds that "it will prove highly members amounting to \$1,963,608. And, lucrative to the undertaker.'

Punctuation was first used in literature sentenceswereputtogetherlikethis.

"Virgin pages" who are not easily "taken aback," are employed in the Kansas House of Representatives.

More Fun. -There is a large fund of enjoyment in store for the citizens of Columbia. The Chiriski combination will give an entertainment at Irwin's was a puppy dog, and the experiment Hall, on Thursday, Friday and Saturday eveniugs of this week. We get the following notice from the Newberne Times:

"The Chiriski Combination Troupe but to be frank with you, I can't get over your nose." "No wonder, madame," replied he "the bridge is gone." psychologized the people and drew another crowded house last night at the theatre, where Prof. Chiriski showed himself to be as usual an excessive theatre, where Prof. Chiriski showed himself to be, as usual, an excessive being, both in the role of prestidigitation, ventriloquism, mesmerism and extension of the role of prestidigitation, ventraloquism, mesmerism and extension of the role of prestidigitation, ventraloquism, mesmerism and extension of the role of prestidigitation. Thread, Silks, Oil, &c., are constantly on hand. Feb 23-2 staffordshire, twenty miners were killed, ind not forty, as first reported.

The notorious Alme. Ruchel, of costinuate prizes were distributed to the valuable prizes were distributed to the cannot be given. We must have money in England. numerous lucky individuals present, and the entertainment was enjoyed by all." to carry on business.

Items. Mozernous, Argentlemen pumphesed an Irish potato, on Saturday, weighing CITY MATTERS .- The price of single about one pound; from which set teen eyes were taken, which it is esti-mated, will produce a half bushed of potatoes.

New Daug Storn.-We have the flag quence of a broken rail. The engine of a new drog firm flung to the breeze ran off, and six cars were smashed. The in our columns this morning. Messrs. accident happened about 1 o'clock Sun- L. T. Silliman & Co. have handsomely fitted up the store between Mr. Dieroks The Governor has made the following and Messra. Lorick & Lowrance, and to-day open a choice and varied stock of enced eye of Mr. Silliman himself, from The fire on the Lexington side of the the best and most velebrated establishriver, which has been in progress for ments in the Northern cities. Mr. Silliseveral days, is the burning of dry man has long been favorably known to leaves, under-brush and woods. It was the medical fraternity and to the comcaused by children firing the dry leaves. munity at large, as a druggist of ample John Adams, convicted of larceny at knowledge, close study, minute observaarity with the business, give assurance estisfactory and unexceptionable way. He will be sided in its management by active assistants. He has secured the services of our young friend, Mr. W. E. Pelham, a graduate in several of the schools of the South Carolina University, offices, which takes effect on the 4th of perience. This new establishment sets out under favorable auspices, and we Suscribers to the stock of the "Farm- doubt not will receive, as it deserves, a

> We take the following from the New York Sun, of February 21, 1873:

STATEMENT CARRYING ITS OWN COM-MENT.—The business report for 1872 of the Equitable Life Assurance Society The Evening Herald has been announced as an official organ for Richland County.

Connection.—In the publication of County the Count of course, in addition to the renewals of

policies already on its registers. We have been accustomed to see this remarkable rate, year by year, from the date of its organization in 1859; and at times during these past thirteen years, sort, until the name of the Equitable has come to pass current as the synonym of everything progressive and successful in last business statement surpasses all pre-

creased by some \$3,500,000. The Equiyears of active effort on the part of its managers. And at the present rate of ful progress been made at the expense of correct principle. The managers of the Society, whether an officer or director, are men who understand their special duties. The insurance record of the sary that the financial serve the thanks of the citizens gene-ble is fortunate in having a Board of Directors, comprising merchants, bank-PHENIXIANA.—Useful industry does none in sagacity, prudence and ability. Taking, as these gentlemen do, a perbusy, as in doing promptly those things ers and capitalists, who are second to institution, it is, after all, no wonder that the Society has accomplished such resulte.

able.

"Love," says an amorous writer, "is \$3,420,045. For interest and rents alone, the company received almost \$1,000,000. To the families of deceased policy-hold. ers, there was paid in 1872 the sum of A man advertises for a competent per-son to undertake the sale of a new medi-render values were paid to the living better than all, as some will think, the desirable surplus now on hand is \$2,520,-090, after full provision for the security in 1520. Before that time, wordsand of every policy. Such a statement is its own best commentary.

Our fellow-citizen, Major J. B. Ezell, is the agent of this company in this city.

LIST OF NEW ADVERTISEMENTS. J. S. Chambers—Guanos. Dr. E. H. Heinitsh—To-Day. Building and Loan Association Notice. L. T. Silliman & Co.—Drug Store, Thomas Steen—Auction Sales. Chiriski's Combination Troups. R. B. Lyons-A Card.

The greatest ovidence of the popularity of the Wheeler & Wilson Sewing Machine is the fact of there being Eight Hundred Thousand in use, and